

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA
Alexandria Division

TEACHERS INSURANCE AND ANNUITY
ASSOCIATION OF AMERICA,
Plaintiff,

v.

FALTER ET AL.,
Defendants.

1:21-cv-1243 (MSN/TCB)

ORDER

This matter comes before the Court on Defendant's Motion to Dismiss and Compel Arbitration, or in the Alternative Dismiss the Complaint Against Jessica Doll and Partially Dismiss the Complaint Against Falter (Dkt. No. 21) and Plaintiff's Motion for Expedited Discovery (Dkt. No. 7). Having reviewed the motions, oppositions, the replies thereto, arguments of counsel, and for the reasons stated in open court, it is hereby

ORDERED that Defendants' Motion to Dismiss and Compel Arbitration, or in the Alternative Dismiss the Complaint Against Jessica Doll and Partially Dismiss the Complaint Against Falter (Dkt. No. 21) is **GRANTED** in part and **DENIED** in part. The motion is denied as to Count I (breach of contract) and Count II (breach of fiduciary duty of loyalty) for the reasons stated from the bench. The motion is granted as to Count III (Lanham Act). It is further

ORDERED that Plaintiff's Motion for Expedited Discovery (Dkt. No. 7) is **GRANTED** in part and **DENIED** in part. Plaintiff shall be granted leave to conduct limited discovery as set forth in open court, including taking the deposition of defendants Doll and Falter for a maximum of three hours each and propounding written discovery related to communications with TIAA customers. The motion is denied with respect to the request to take the deposition of Melanie Simons. Expedited discovery shall be completed within 14 days of the date of this Order.

It is **SO ORDERED**.

/s/

Hon. Michael S. Nachmanoff
United States District Judge

Alexandria, Virginia
January 21, 2022